

United States District Court
for
The Western District of New York
Report on Offender Under Supervision

Name of Offender: Brandon A. DeCapua Case Number: 6:08-CR-06171-001
Name of Sentencing Judicial Officer: Honorable David G. Larimer, U.S. District Judge
Date of Original Sentence: November 3, 2009
Original Offense: Knowingly Possessing Child Pornography
Original Sentence: 120 months imprisonment to be followed by 10 years supervised release with several special conditions.
Modification: May 31, 2017 - Conditions modified to include that the defendant reside at the VOA-RRC, and follow their rules and regulation for a period of four (4) months. Modification based on the defendant being found in possession of an unmonitored internet accessible device.
Violation/Revocation: July 24, 2017 - Petition filed alleging failure to follow the rules and regulation of the VOA-RRC and possession of an unmonitored internet accessible device. July 25, 2017 - Amended petition filed alleging an additional violation that the defendant possessed a second unmonitored internet accessible device. July 25, 2017 - Defendant arrested, made his initial appearance and was detained pending resolution of the case. August 23, 2017 - Defendant plead guilty to Violation Number 3 (possession of an unmonitored internet accessible device) and he was sentenced to 6 months incarceration to be followed by 10 years supervised release with several special conditions.
Type of Supervision: Supervised Release Date Supervision Commenced: January 24, 2018

NONCOMPLIANCE SUMMARY

On January 30, 2018, this officer met with the defendant at the U.S. Probation Office and reviewed all of his conditions of supervision, including his special conditions requiring advance notification, and monitoring of, any internet accessible device, as well as the special condition prohibiting him from owning, using, possessing, or controlling pornography of any kind while in sex offender treatment. The defendant stated that he clearly understood all of his conditions of supervision and would abide by them.

Later on that same date, this officer performed a routine home contact at the defendant's place of residence located at 547 Joseph Avenue, Rochester, New York. During that contact one pornographic magazine, one pornographic DVD, and a laptop computer were located in the defendant's room. At no time did he provide this officer with advance notification of the laptop computer. The defendant advised that his mother had purchased the computer for him prior to his last term of incarceration; however, she had never given it to him. He went on to state that the computer was with the rest of his possessions that he had picked up from his family upon his release from incarceration, and that he had not used the device. Regarding the pornography, the defendant stated that it was also mixed in with his property from prior to his last incarceration, and that he had unknowingly brought it, along with all of his other property, to his current residence. He stated that he knew

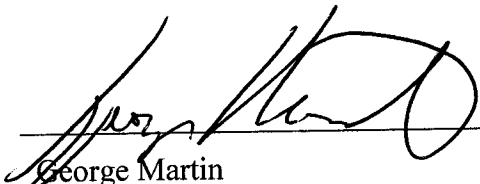
he should not have had any of the above noted items, and that he had planned on getting rid of them. The pornography and laptop were seized at that time in order to allow for further review.

On Feb 12, 2018, the above noted computer was reviewed and found to be internet accessible. It also appeared that the defendant's comments about not using the device were true as there was no evidence that any of the programs, utilities, or other functions, on that computer had been used. These matters of noncompliance are being addressed through supervision and through sex offender treatment.

U.S. Probation Officer Action:


At this time the U.S. Probation Office is not recommending any Court action.

Reviewed by:

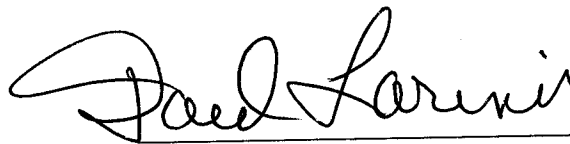

George Martin
Supervising U.S. Probation Officer

Respectfully submitted,

by:


Thomas S. Gilbert
U.S. Probation Officer Specialist
Date: February 26, 2018

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- ☒ The Court agrees with the recommendation of the U.S. Probation Office
- ☐ Submit a Request for modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other



Honorable David G. Larimer
U.S. District Judge

3/5/18

Date